

**ORDER DENYING MOTION TO DISMISS CHAPTER 7 CASE**

Dr. Farkas, a neurosurgeon, commenced a voluntary chapter 11 bankruptcy on October 7, 2004. There are currently two individuals who allege medical malpractice against the debtor. The malpractice cases were pending before the state court when Dr. Farkas filed for bankruptcy. The malpractice claimants seek dismissal upon the following grounds:

1) Dr. Farkas' bankruptcy interferes with the State of Florida's regulation of the practice of medicine; and

2) Dr. Farkas' bankruptcy was filed in bad faith under 11 U.S.C. § 707(a) since the bankruptcy was filed in an effort to "derail" the malpractice actions.

The Court found that Dr. Farkas' bankruptcy did not interfere with the State of Florida's protection of public health and that the debtor was entitled to Chapter 7 protection regardless of the pending medical malpractice claims.